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Ursula Kramer Nelson, P.E.
Director

(520) 724-7400
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June 30, 2020

CERTIFIED MAIL
Return Receipt Requested

Attn: Gary Kippur, President
Tucson Iron & Metal
P.O.Box 28898
Tucson, AZ 85726

Re: Performance Testing Notification Response and Records

Dear Mr. Kippur,

The purpose of this letter is to summarize our conference call of 24 June 2020. As we discussed during our call, the Pima County Department of Environmental Quality (PDEQ) understands the practicality of scheduling required testing during the evolving COVID-19 pandemic and we support your efforts to coordinate with your clients to maintain compliance with your permit conditions. PDEQ would like to thank you for reaching out to meet with us to discuss Tucson Iron and Metals compliance and records requests. Our goal is to have a comprehensive compliance history of the performance data from the Other Solid Waste Incinerator.

The enforcement discretion provided in the attached EPA policy, identifies key compliance obligations to minimize the effects and duration of any noncompliance caused by COVID-19. PDEQ is in receipt of the performance testing notification change, received on June 15, 2020. To support this notification, PDEQ requests the following:

40 CFR 60.2932, 40 CFR 60.2933, Section 3.57 (Annual Performance Testing) of Pima County Department of Environmental Quality Air Quality Permit #127, and Pima County Code 17.16.490:

Please provide all correspondence between Bison Engineering and Tucson Iron and Metal regarding the delay in performance and RATA testing. This will include, but is not limited to the classification of Bison as non-essential and unavailable to conduct testing during the time of the Executive Order 2020-18. Correspondence can include current written correspondence to Bison verifying the classification of non-essential and the lack of staff availability during the Executive Order. Also include the correspondence at the beginning of Tucson Iron and Metals 90-day policy window of scheduling the performance testing with Bison. According the COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program guidance, the entity provides supporting documentation that COVID-19 is the cause of noncompliance. Information will be thoroughly documented and should be maintained by the entity

June 30, 2020
Tucson Iron & Metal
Production of Records Request

The above records are required by 40 CFR 60.2949 and the Permit Conditions of the PDEQ Air Quality Permit #127.

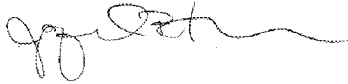
In addition, pursuant to Pima County Code 17.13.020.a.7.e (Reporting for compliance evaluations) to ensure that emission reporting is accurate, PDEQ requests that Tucson Iron and Metal provide PDEQ with notifications in advance of every burn that is conducted effective immediately until successful performance testing is conducted. We thank you for your understanding of this request and look forward to working with you in the future.

Tucson Iron & Metal must produce the requested records no later than fourteen (14) days of receipt of this letter. Failure to submit records within the timeframe specified may subject Tucson Iron & Metal to escalated enforcement. Please send your response to:

Pima County Department of Environmental Quality
Attn: Jacqueline Ronstadt
33 N. Stone Avenue, Suite 700
Tucson, AZ 85701

Please submit your response in a timely manner. If you have any questions, please do not hesitate to contact me at (520) 724-9726.

Sincerely,



Jacqueline Ronstadt
Air Compliance Manager

Attachment: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

cc: PDEQ File #: 127-0008T

Gary Kippur, President, Tucson Iron and Metal gary@tucsoniron.net